

EXHIBIT A

1 KEKER & VAN NEST, LLP
2 ELLIOT R. PETERS - #158708
3 ETHAN A. BALOGH - #172224
4 DANIEL PURCELL - #191424
5 710 Sansome Street
6 San Francisco, CA 94111-1704
7 Telephone: (415) 391-5400
8 Facsimile: (415) 397-7188

9
10 Attorneys for Plaintiff
11 JOHN TENNISON

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 JOHN TENNISON,

16 Plaintiff,

17 v.

18 CITY AND COUNTY OF
19 SAN FRANCISCO; SAN FRANCISCO
20 POLICE DEPARTMENT; PRENTICE EARL
21 SANDERS; NAPOLEON HENDRIX; and
22 GEORGE BUTTERWORTH,

23 Defendants.

24 Case No. C 04-00574 CW

25 **PLAINTIFF JOHN TENNISON'S
26 INITIAL DISCLOSURE OF WITNESSES
27 AND DOCUMENTS**

28 Fed. R. Civ. P. 26(a)(1); Civil L.R. 16-5

1 Pursuant to Federal Rule of Civil Procedure 26 and Civil Local Rule 16-5 of this Court,
 2 plaintiff John Tennison ("Tennison") hereby makes this initial disclosure.

3 **GENERAL QUALIFICATIONS**

4 Tennison's investigation into the facts of this case is ongoing. This disclosure provides
 5 information that is currently known and available to Tennison after a good-faith inquiry and
 6 investigation. By identifying potential witnesses in this initial disclosure, Tennison makes no
 7 representation or admission concerning the knowledge or competence of any individual
 8 identified. Likewise, by identifying documents or categories of documents in this initial
 9 disclosure, Tennison makes no representation or admission concerning the documents' relevance
 10 to this case.

11 Tennison reserves the right to supplement or amend this initial disclosure as additional
 12 information becomes available.

13 **INITIAL DISCLOSURE**

14 A. **RULE 26(a)(1)(A): WITNESSES**

15 Tennison hereby discloses the following names and contact information for individuals
 16 who may have discoverable information regarding material facts relevant to this claims in this
 17 action:

18 1. **John Tennison**
 19 525 N. San Mateo Drive
 Apartment 303
 San Mateo, CA 94401
 (650) 548-1558

21 Tennison is the plaintiff in this case, and possesses information about his investigation,
 22 arrest, and prosecution for the homicide of Roderick Shannon.

23 2. **Prentice Earl Sanders**
 24 129 Teceira Way
 Folsom, CA 95630

25 Sanders was one of the lead investigating officers supervising the San Francisco Police
 26 Department Gang Task Force generally and the SFPD investigation into the homicide of
 27 Roderick Shannon specifically. Tennison believes that Sanders possesses information regarding
 28 Shannon's murder and the police investigation into that murder, including contact with purported

1 eyewitnesses to the murder and the handling and disclosure to defense counsel of evidence
2 related to the murder, as well as the formation, operation, and supervision by San Francisco City
3 and County officials of the Gang Task Force.

4 3. **Napoleon Hendrix**
5 13265 Claire Pointe Way
6 Oakland, CA 94619

7 Hendrix was one of the lead investigating officers supervising the San Francisco Police
8 Department Gang Task Force generally and the SFPD investigation into the homicide of
9 Roderick Shannon specifically. Tennison believes that Hendrix possesses information regarding
10 Shannon's murder and the police investigation into that murder, including contact with purported
11 eyewitnesses to the murder and the handling and disclosure to defense counsel of evidence
12 related to the murder, as well as the formation, operation, and supervision by San Francisco City
13 and County officials of the Gang Task Force.

14 4. **George Butterworth**
15 Hall of Justice
16 880 Bryant Street, Room 325
17 San Francisco, CA 94103
18 (415) 553-1752

19 Butterworth prosecuted Tennison for the murder of Roderick Shannon. Tennison
20 believes that Butterworth possesses information regarding that murder and the police
21 investigation into that murder, including contact with purported eyewitnesses to the murder and
22 the handling and disclosure to defense counsel of evidence related to the murder.

23 5. **Chante Smith**
24 Current address unknown
25 (925) 432-9511

26 Smith was an eyewitness to Lovinsky Ricard's murder of Roderick Shannon. Tennison
27 believes that Smith possesses information regarding Shannon's murder and the police
28 investigation into that murder.

29 6. **Luther Blue**
30 Current address unknown

31 Blue was an eyewitness to Lovinsky Ricard's murder of Roderick Shannon. Tennison
32 believes that Blue possesses information regarding Shannon's murder and the police

investigation into that murder.

7. **Masina Fauolo**
Current address unknown

Fauolo testified for the prosecution at Tennison's trial. Tennison believes that Fauolo possesses information regarding the police investigation of the murder of Roderick Shannon, including her numerous direct contacts with Hendrix, Sanders, and Butterworth; and her telephone conversation with Pauline Maluina following the polygraph examination of Maluina.

8. **Pauline Maluina**
2975 Laning Road
San Diego, CA 92106

Maluina testified for the prosecution at Tennison's preliminary hearing and trial. She twice recanted her testimony, once prior to the preliminary hearing and once after Tennison's conviction. Tennison believes that Maluina possesses information regarding the police investigation of the murder of Roderick Shannon, including her direct contacts with Hendrix, Sanders, and Butterworth; her recantation of her alleged eyewitness testimony prior to Tennison's preliminary hearing; her polygraph examination; and her telephone conversation with Fauolo following her polygraph examination.

9. **Lovinsky Ricard**
Current address unknown¹

Ricard confessed on tape to police that he, and not Tennison, killed Roderick Shannon. Tennison believes that Ricard possesses information regarding Shannon's murder and the police investigation into that murder, including his direct contacts with Hendrix and other police officers; and his interview with Tennison's trial counsel, Jeff Adachi.

10. **Michael Lewis**
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103
(415) 553-1551

¹ Ricard's address and telephone number are unknown to Tennison, but Tennison is informed and on that basis believes that Michael P. Farrell, Esq., Office of the Attorney General of the State of California, P.O. Box 944255, Sacramento, CA 94244, 916-324-5246, may have information regarding Ricard.

1 Lewis was one of two police officers assisting Hendrix and Sanders in the SFPD's
2 investigation into the murder of Roderick Shannon. Tennison believes that Lewis possesses
3 information regarding Shannon's murder and the police investigation into that murder, including
4 contact with purported eyewitnesses to the murder and the handling and disclosure to defense
5 counsel of evidence related to the murder, as well as the formation, operation, and supervision by
6 San Francisco City and County officials of the Gang Task Force.

7 11. **Neville Gittens**
8 San Francisco Police Department
9 850 Bryant Street
San Francisco, CA 94103
(415) 553-1551

10 Gittens was one of two police officers assisting Hendrix and Sanders in the SFPD's
11 investigation into the murder of Roderick Shannon. Tennison believes that Gittens possesses
12 information regarding Shannon's murder and the police investigation into that murder, including
13 contact with purported eyewitnesses to the murder and the handling and disclosure to defense
14 counsel of evidence related to the murder, as well as the formation, operation, and supervision by
15 San Francisco City and County officials of the Gang Task Force.

16 13. **Jeffrey Adachi**
17 San Francisco Office of the Public Defender
18 555 Seventh Street
San Francisco, CA 94103
(415) 553-1671

19 Adachi was Tennison's trial counsel. Tennison believes that Adachi possesses
20 information regarding Tennison's prosecution for the murder of Roderick Shannon, including the
21 evidence disclosed to defense counsel by the prosecution.

22 14. **Gerald J. McCarthy**
109 Bahama Reef
23 Novato, CA 94949
24 (415) 382-0871

25 Tennison believes that McCarthy possesses information regarding the homicide of
26 Roderick Shannon and the police investigation into that homicide, including Hendrix's and
27 Sanders's request of funds from the San Francisco Police Department's Secret Witness Program

28 | 111

1 15. **Lerma Pattugalan**
2 2158 Kinclair Drive
3 Pasadena, CA 91107

4 Pattugalan testified for the prosecution at Tennison's trial. Tennison believes that
5 Pattugalan possesses information regarding the police investigation of the homicide of Roderick
6 Shannon, including her direct contacts with Hendrix, Sanders, and Butterworth.

7 16. **Antoine Goff**
8 c/o Randolph E. Daar, Esq.
9 506 Broadway Street
10 San Francisco, CA 94133
11 (415) 986-5591

12 Goff was Tennison's co-defendant. Tennison believes that Goff possesses information
13 about Goff's investigation, arrest, and prosecution for the homicide of Roderick Shannon.

14 17. **Barry Melton**
15 Public Defender of Yolo County
16 814 North Street
17 Woodland, CA 95695
18 (530) 666-8165

19 Melton served as trial counsel for Goff, Tennison's co-defendant. Tennison believes that
20 Melton possesses information regarding Tennison's prosecution for the murder of Roderick
21 Shannon, including the evidence disclosed to defense counsel by the prosecution.

22 B. **RULE 26(a)(1)(B): DOCUMENTS**

23 Subject to and without waiving the General Qualification listed above, Tennison is in
24 possession of the following categories of documents which may tend to support his claims in this
25 action:

26 1. Portions of the case file of the San Francisco Office of the District Attorney in the
27 *People v. Tennison* case:

28 a. Notes, memoranda, audiotapes, transcripts, and videotapes concerning
29 witness interviews;

30 b. Photographs of witnesses and physical evidence;

31 c. Transcripts of hearings;

32 d. Pleadings filed in the Superior Court and Juvenile Court;

33 e. Notes and memoranda; and

1 wrongful conviction and imprisonment for nearly 14 years.

2 Tennison's damages, which include, but are not limited to, lost earnings, damages for
3 false imprisonment and the resulting psychological harm therefrom, and punitive damages, will
4 be the subject of expert testimony, which will be made available to defendants at the appropriate
5 time designated by the Court.

6 **D. RULE 26(a)(1)(D): INSURANCE**

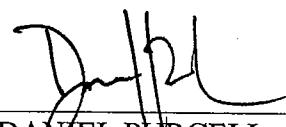
7 Not applicable.

8

9 Dated: June 9, 2004

KEKER & VAN NEST, LLP

10

11 By: 

12 DANIEL PURCELL
13 Attorneys for Plaintiff
14 JOHN TENNISON

15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On June 9, 2004, I served the following document(s):

**PLAINTIFF JOHN TENNISON'S INITIAL DISCLOSURE OF
WITNESSES AND DOCUMENTS**

X by **COURIER**, by placing a true and correct copy in a sealed envelope addressed as shown below, and dispatching a messenger from Worldwide Network, with instructions to hand-carry the above and make delivery to the following during normal business hours, by leaving the package with the person whose name is shown or the person authorized to accept courier deliveries on behalf of the addressee.

James A. Quadra, Esq.
Lisa-Anne M. Wong, Esq.
Moscone, Emblidge & Quadra, LLP
180 Montgomery Street, Suite 1240
San Francisco, CA 94104

Evan H. Ackiron
Deputy City Attorney
Office of the City Attorney
1390 Market Street, 6th Floor
San Francisco, CA 94102-5408

Attorneys for Defendants
Prentice Earl Sanders and Napoleon Hendrix

Attorneys for Defendants
George Butterworth and
The City and County of San Francisco

Executed on June 9, 2004, at San Francisco, California

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Joanne Winars
JOANNE WINARS